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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/609,553	06/30/00	LAPSTUN	NPA068US

U24011 TM31/1026
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
2041 BALMAIN
AUSTRALIA

AIR MAIL

EXAMINER
STAMBER, E

ART UNIT	PAPER NUMBER
2162	6

DATE MAILED: 10/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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INFORMALITY RE PAYMENT OF FEE

The informality regarding the payment of the fee in connection with ☒ the original filing fee ☐ the amendment filed 6-30-00 is indicated below.

A. FEE DUE

1. ☐ The amendment is considered incomplete in that the funds in Deposit Account No. _____ are insufficient to cover the entire fee due. The balance is due within the period set below.
2. ☐ The amendment is considered an incomplete response, in that payment of \$ _____ is insufficient to cover the claims as shown in the attached Patent Application Fee Determination Record. Remittance is due within the period set below.
3. ☐ The amendment has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account) the fee as indicated on the attached Patent Application Fee Determination Record. Remittance or authorization is due within the period set below.

4. ☒ The filing fee of \$ 714.00 submitted in this application is insufficient.

A balance of \$ 706.00 is due for additional claims.

5. ☐

APPLICANT IS GIVEN THE REMAINDER OF THE SET PERIOD FOR RESPONSE,
OR ONE (1) MONTH FROM THE DATE OF THIS LETTER, WHICHEVER IS LONGER,
WITHIN WHICH TO REMIT THE FEE OF \$ 706.00.

B. EXCESS PAYMENT:

5. ☐ It is noted that payment of \$ _____ is in excess of the amount necessary to cover the claims now in the application. See the attached Patent Application Fee Determination Record.

This matter of refund or credit to your account is being referred to the Finance Officer, for his consideration.

Michelle R. Esson
CLERK OF GROUP

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1. This paper is an attempt to clarify the fee situation in the above referenced application.
2. Applicant's filed a letter 10/6/2000 requesting that the Examiner withdraw the Informality re Payment of Fee and included a copy of the last page of the claims showing that only 48 claims were filed when the Notice of Informality from the Office stated that 112 claims had been filed. In fact, based on the way in which multiple dependent claims count as claims for fee calculation, the 112 claim number is correct.

The following example, taken from the instant claims, is given to clarify the situation. Reference should also be made to paragraph 3 of this letter which includes MPEP citations discussing fee calculation in multiple dependent claims.

Example

Claim 8 depends on "any one of claims 2, 4 or 6". For fee purposes, claim 8 counts as three (3) claims.

Claim 9 depends on "claim 8", but since claim 8 depends on "any one of claims 2, 4 or 6", claim 9 also counts as three (3) claims.

In this way 112 claims are seen as being filed by Applicant in the instant application.

3. The following citations from the MPEP discuss the calculation of fees involving multiple dependent claims:

607 Filing Fee

When filing a nonprovisional application, a basic fee entitles applicant to present 20 claims including not more than 3 claims in independent form. If claims in excess of the above

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are included at the time of filing, an additional fee is required for each independent claim in excess of three, and a fee is required for each claim in excess of 20 claims (whether independent or dependent). Fees for a proper multiple dependent claim are calculated based on the number of claims to which the multiple dependent claim refers, 37 CFR 1.75(c), and a separate fee is required in each application containing a proper multiple dependent claim.

37 CFR 1.75 Claim(s).

(c)One or more claims may be presented in dependent form, referring back to and further limiting another claim or claims in the same application. Any dependent claim which refers to more than one other claim ("multiple dependent claim") shall refer to such other claims in the alternative only. A multiple dependent claim shall not serve as a basis for any other multiple dependent claim. For fee calculation purposes under § 1.16, a multiple dependent claim will be considered to be that number of claims to which direct reference is made therein. For fee calculation purposes, also, any claim depending from a multiple dependent claim will be considered to be that number of claims to which direct reference is made in that multiple dependent claim. In addition to the other filing fees, any original application which is filed with, or is amended to include, multiple dependent claims must have paid therein the fee set forth in § 1.16(d). Claims in dependent form shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim. A multiple dependent claim shall be construed to incorporate by reference all the limitations of each of the particular claims in relation to which it is being considered.

608.01(n) Dependent Claims

Calculating Fees for Multiple Dependent Claims -- Proper Multiple Dependent Claim

35 U.S.C. 41(a), provides that claims in proper multiple dependent form may not be considered as single dependent claims for the purpose of calculating fees. Thus, a multiple dependent claim is considered to be that number of dependent claims to which it refers. Any proper claim depending directly or indirectly from a multiple dependent claim is also considered as the number of dependent claims as referred to in the multiple dependent claim from which it depends.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Stamber whose telephone number is 703-305-8469. The examiner can normally be reached Monday-Thursday from 6:30 AM to 4:00 PM.

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The fax number for Formal or Official faxes to Technology Center 2100 are 703-746-7239. Draft or Informal faxes for this Examiner can be submitted to 703-746-5553.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 703-305-3900.

EWS
October 8, 2001

A handwritten signature in black ink, appearing to read "Eric W. Stamber". The signature is fluid and cursive, with the first and last names being more prominent.

Eric W. Stamber
Primary Examiner
Art Unit 2163